



# **MALDEF**

**Mexican American Legal Defense and Educational Fund**

---

Written Testimony of Veronica Rivera  
Washington, D.C. Legislative Staff Attorney

District of Columbia State Board of Education  
“Public Hearing on English Language Proficiency Standards”  
January 13, 2010

On behalf of the Mexican American Legal Defense and Educational Fund (MALDEF), we commend the District of Columbia State Board of Education for pursuing the adoption of English Language Proficiency Standards. Founded in 1968, MALDEF is the nation’s leading Latino civil rights legal organization. MALDEF utilizes litigation, policy advocacy, and community education to improve educational opportunities for Latino students and families.

My testimony today will focus upon the importance of having standards for English language learners (ELLs) and recommendations pertaining to the standards the Board is adopting. MALDEF is particularly concerned with the academic outcomes of the nation’s 5.5 million ELL students because nearly 80% of K-12 ELLs are Spanish-speaking Latinos.<sup>1</sup> ELLs constitute the fastest-growing subgroup of students in U.S. public schools, with an annual increase of about 10% and a 72% overall increase between 1992 and 2002.<sup>2</sup> Experts predict that one-quarter of the nation’s K-12 student population will be made up of ELLs by 2025.<sup>3</sup>

Despite common assumptions to the contrary, native-born U.S. citizens predominate in the ELL student population: 76% of elementary school and 56% of secondary school ELLs are U.S. citizens, and over one-half of the ELLs in public secondary schools are second- or third-generation citizens.<sup>4</sup> The stereotype of ELLs as foreign-born immigrants is, therefore, inaccurate: the substantial majority are, in fact, long-term ELLs whose academic and linguistic needs are not being met by our public education system.

ELLs typically underperform on nearly every measure of academic performance. On the 2005 National Assessment of Educational Progress, for example, only 29% of ELLs

---

<sup>1</sup> See <http://www.ncela.gwu.edu/expert/fastfaq/4.html> (Source: U.S. Department of Education).

<sup>2</sup> See Keller-Allen, C., “English Language Learners with Disabilities: Identification and Other State Policies and Issues,” Alexandria, VA: National Association of State Directors of Special Education, (August 2006).

<sup>3</sup> See <http://www.ed.gov/nclb/methods/english/lepfactsheet.html> (Source: U.S. Department of Education).

<sup>4</sup> See Capps, R., Fix, M., Murray, J., Ost, J., Passel, J., & Herwanto, S., “The New Demography of America’s Schools: Immigration and the No Child Left Behind Act,” Washington, D.C.: The Urban Institute (2005), p18.

scored at or above the basic level in reading, compared with 75% of non-ELLs.<sup>5</sup> ELLs also drop out of schools at disproportionately high rates: Latino ELLs aged 16-19, for example, have a 59% school dropout rate.<sup>6</sup>

The majority of ELLs who struggle academically do so not only because of their limited English proficiency but also because they are taught by poorly trained teachers who employ curricula and instructional strategies that do not meet the academic needs of ELLs. Poor instruction denies ELLs the tools to gain the language skills necessary to participate fully in the American economy and society. Significant improvements in the quality of academic services delivered to all ELLs will permit them to develop academic skills at a rate comparable to their non-ELL peers.

ELL students' efforts to learn English are further impeded by the fact that a high proportion of ELL K-12 students attend linguistically segregated schools. Although ELL students represent a relatively small share of the total student population (approximately 10 percent), more than 53 percent of ELL students are concentrated in schools where more than 30 percent of their peers are also ELL. By contrast, only 4 percent of non-ELL students attend schools where more than 30 percent of the students are ELL.<sup>7</sup>

### **ELL Population in the District of Columbia**

According to the presentation you received last month, the District of Columbia has approximately 5,900 ELL students which represents 8.4 percent of the total public school enrollment and approximately 50 percent of your ELL students are U.S. citizens. Spanish is one of the top five languages represented in your schools and is the predominant home language.

### **Recommendations for ELL Standards**

ELLs must be subject to high educational expectations and high academic achievement standards. Therefore with regard to the standards the State Board is considering adopting, we support the goal of ensuring that all ELLs meet language proficiency goals in all four language domains – speaking, listening, reading, and writing. We also believe that students should be assessed annually in the areas of reading and writing given that these areas lay the academic groundwork for students in other subject areas. In addition, we support an assessment that requires ELL students to have transitioned into classrooms not tailored to limited English proficient children and have a sufficient level of English proficiency to permit them to succeed.

For assessment-based accountability systems to be effective, the assessments used for ELL students must be valid and reliable for this student population. Therefore, we

---

<sup>5</sup> National Center for Education Statistics, National Assessment of Educational Progress (NAEP): Reading and Mathematics, Washington, DC.

<sup>6</sup> See Fry, R., "Hispanic Youths Dropping Out of Schools: Measuring the Problem," Washington, D.C.: Pew Hispanic Center (2003), p8.

<sup>7</sup> Fix and Passel, Urban Institute, U.S. IMMIGRATION: TRENDS AND IMPLICATIONS FOR SCHOOLS, at 24.

recommend that the State Board of Education consider adopting native language content assessments, in the top five languages spoken in the District of Columbia schools, as part of the standards. Native Language content assessments are generally more likely than other assessment instruments to generate meaningful academic achievement data for the ELL student population. Research clearly shows that native language instruction and linguistic accommodations are necessary to ensure academic success for ELL students as they transition to English-language academic instruction. We urge the State Board of Education to develop or make available to ELL students native language or dual language assessments that are valid, reliable, and aligned to grade level content and student academic achievement standards; and assess such students using such assessments, if such assessments validly and reliably measure the content and instruction such students received.

With limited opportunities to learn English, ELL students face particularly poor outcomes, failing graduation tests and dropping out of high school at far higher rates than classmates who are fluent in English. It is critical that we improve instruction for these students to help them learn English, not penalize them for the poor quality of instruction that denies them the opportunity to learn the language well. Therefore, we recommend that the State Board of Education invest in the professional development of its teachers and school officials who work directly with ELLs, including professional development for content area teachers.

## **Conclusion**

Educational concerns of ELLs are now on the forefront of debates being held by school boards, state legislatures and Congress and although we haven't yet reached a place where ELLs are performing on levels equal to their peers, we have changed the debate and generated public will to address the needs of ELLs. We again commend the District of Columbia State Board of Education for moving forward in adopting English Language Proficiency Standards and stand ready to work with you to implement, evaluate and improve the standards once adopted.

